

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Cancel claims 81 and 83-84 without prejudice or disclaimer.
2. Amend claims 42, 58, 60 and 82.
3. Respectfully traverse all prior art rejections.

Claims 42-80 and 82 are pending as a result of the amendments. Claims 42 and 60 remain independent.

B. ALLOWABLE SUBJECT MATTER

Applicants appreciate that claims 58 and 79 are indicated to define allowable subject matter.

C. § 101 REJECTION

Claims 81 and 82 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claim 81 is canceled and claim 82 is amended to address the issues raised. Applicants respectfully request that the § 101 rejection be withdrawn.

D. PATENTABILITY OF CLAIMS

In the Office Action, the Examiner makes the following rejections:

- Rejects claims 42, 43, 46, 52-54, 56-61, 64, 70-73, 75-84 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen (U.S. Publication No. 2003/0161284 A1, hereinafter “Chen”) in view of Kiishi et al. (U.S. Publication No. 2002/0126664 A1, hereinafter “Kiishi”), and further in view of Cheng et al. (U.S. Publication No. 2005/0043045 A1, hereinafter “Cheng”); and
- Rejects claims 44, 45, 47-51, 55, 62, 63, 65-69 and 74 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chen in view of Kiishi, in view of Cheng, and further in view of Haggerty (U.S. Patent No. 6,331,983, hereinafter “Haggerty”).

Applicants respectfully traverse the prior art-based rejections.

Independent claims 42 and 60 are amended to incorporate the features of dependent claims 83 and 84. Therefore, no new issues are raised.

In the Office Action, the Examiner correctly admits that neither Chen nor Kiishi discloses the feature of “wherein the router is separate from both the RNC and the Node Bs.” This is because neither Chen nor Kiishi discusses routers at all. Both Chen and Kiishi only discuss RNCs and Node Bs in the context of providing macrodiversity combining (MDC) functions. Since routers are not discussed at all, it naturally follows that neither Chen nor Kiishi

discloses "wherein the router is in a communication traffic path between the RNC and the at least one Node B" as recited in claims 42 and 60.

Cheng does not teach or suggest this feature. Paragraphs [0021] of Cheng relied upon by the Examiner states in its entirety "As utilized herein, a 'data network' may refer to one or more communication networks, channels, links, or paths, and systems or devices (such as routers) used to route data over such networks, channels, links, or paths." This paragraph merely discloses the types of systems and devices that can make up the data network 125 illustrated in Figure 1. It is clear from the figure that the data network 125 is not part of the transport network that includes the Node Bs 130 and the RNC 138. Thus, Cheng also fails to disclose "wherein the router is in a communication traffic path between the RNC and the at least one Node B."

Since none of Chen, Kiishi and Cheng individually discloses this feature, no combination of the references can also disclose this feature. Haggerty cannot correct this deficiency of Chen, Kiishi and Cheng. Therefore, independent claims 42 and 60 are distinguishable from any combination of Chen, Kiishi, Cheng and Haggerty. By virtue of their dependencies from independent claims 42 and 60 as well as on their own merits, claims 43-59, 61-80 and 82 are also distinguishable over the same references.

Applicants respectfully request that the rejections of claims based on Chen, Kiishi, Cheng and Haggerty be withdrawn.

E. CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a two (2) month extension of time for filing a reply in connection with the present application, and the required fee is attached hereto.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

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By:



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